

REMARKS/ARGUMENTS

In response to the Examiner's final Office Action of March 4, 2008 issued with respect to the present application, the Applicant respectfully submits the accompanying Amendment of the claims and the below Remarks.

Regarding Amendment

In the Amendment:

independent claim 1 is amended to omit recitation of the areal density and to incorporate the allowable subject matter of pending dependent claim 9;

dependent claim 9 is cancelled;

independent claim 18 is amended to omit recitation of the areal density and to incorporate the allowable subject matter of pending dependent claim 26; and

dependent claim 26 is cancelled;

independent claim 35 is amended to omit recitation of the areal density and to incorporate the allowable subject matter of pending dependent claim 42; and

dependent claim 42 is cancelled;

dependent claims 2-8, 11-17, 19-25, 28-34, 36-41 and 44-50 are unchanged.

It is respectfully submitted that the above amendments do not add new matter to the present application, nor any new issues to the prosecution of the present application.

Regarding Finality of Office Action

The Examiner is respectfully requested to withdraw the finality of the present Office Action because new grounds of rejection have been introduced which were not necessitated by the Applicant's amendment of the claims, contrary to the Examiner's contentions.

That is, the Amendment accompanying the Applicant's Reply to the previous Office Action merely incorporated the allowable subject matter of then pending dependent claims 10, 27 and 43 into then pending independent claims 1, 18 and 35, respectively. As a result, an "amendment" was not actually made. This is because, this "amendment" merely amounted to each of then dependent claims 10, 27 and 43 being rewritten in independent form.

Accordingly, the Applicant merely amended the claims to include limitations which should reasonably have been expected to be claimed, and as stated in MPEP §706.07(a)

"A second or any subsequent action on the merits in any application or patent involved in reexamination proceedings should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed".

As such, it is respectfully submitted that the present Office Action should not have been made final, and withdrawal of the finality is respectfully requested as per MPEP §706.07(d).

Regarding 35 USC 103(a) Rejections

The Examiner is respectfully requested to withdraw the obviousness rejections of claims 1-8, 11-25, 28-41 and 44-50 over the cited references based on the amendment of

independent claims 1, 18 and 35 to incorporate the allowable subject matter of pending claims 9, 26 and 42, respectively.

Regarding Allowable Subject Matter

The Applicant appreciates the Examiner's indication of the allowability of the subject matter of pending claims 9, 16, 26, 33 and 42 under the conditions stated in the Office Action.

It is respectfully submitted that the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant/s:



Kia Silverbrook

C/o: Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email: kia.silverbrook@silverbrookresearch.com
Telephone: +612 9818 6633
Facsimile: +61 2 9555 7762